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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,853	10/05/2000	Mark Alexander Hill	210_211	9174

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EXAMINER

BAHTA, KIDEST

ART UNIT PAPER NUMBER

2125

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,853

Applicant(s)

HILL ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-14 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-14 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandelman et al. (U.S. Patent 6,211,782) in view of Koether (Pub. No. U.S. 20020082924).

Regarding claims 1-3 and 6-19, Sandelman discloses a system for remotely monitoring and controlling at least one HVAC device (Abstract) system for monitoring and controlling remote devices), comprising: a server (element 1) with bi-direction communications access to an entry device and the at least one HVAC device (column 9, lines 1-15); querying means in the server for querying the at least one HVAC device for status information for storage in the server (column 9, lines 55-65; column 10, lines 21-41; i.e., ...periodically status messages are queued ...as recorded in the relational database 21); means for sending the status information to the entry device in response to the querying means (column 6, lines 27-45; Fig. 2 and Fig. 3a-3c; i.e., The message delivery server 1 routes the message as an outgoing exception message to the appropriate user interface; e-mail 6, fax 7; pager 8, voice 9, etc); means residing in the server for checking for message from the at least one HVAC device (Fig. 5; step 6 and step 8; column 50-53); means residing in the server for automatically

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sending an alarm message to the entry device when an alarm message is received from the at least one HVAC device (column 5, lines 11-45; ...multiple individuals may be alerted as to a exception condition... In addition, to notifying contractors when a problem arises, the interface programmed to check in once a day with all "all system okay"); means for automatically updating the stored information on a regular basis in the absence of the message from the entry device (column 10, lines 42-53; i.e., ...periodic successful routine status check messages conveyed from equipment 2-5); means for changing setting on the at least one HVAC device from the entry device (column 9, lines 1-10, i.e., ...such command message allow the user to active, deactivate, and otherwise control the appliance). Furthermore, Sandelman discloses the entry device is one of a handheld computer, a cell phone, and a personal data assistant (Fig. 1, element 6-9); the communication access includes connections over the Internet (column 9, lines 1-2); the communications access includes connections over both the Internet and the GSM network (column 8, lines 17-39).

Sandelman fails to discloses the to access the stored information the user must be identified by enter security password and user name.

However, koether discloses the to access the stored information the user must be identified by enter security password and user name (Page 10, [0158-0167]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Sandelman with the teaching of Koether in order to improve the security system.

Response to Arguments

3. Applicant's arguments filed 1/10/2005 have been fully considered but they are not persuasive.

Regarding claims 1, 12, 13 and 19, Applicant argues that Sandelman and Koether fail to disclose query means in the server for querying the at least one HVAC device for status information for storage in the server. In addition, Applicant support there argument by citing the specification on page 7, lines 17-19 "Status information on the HVAC devices which is contained in the unit database is either updated on a regular basis or when requested by a message from the entry device."

However, Examiner disagrees that Sandelman discloses query means in the server for querying the at least one HVAC device for status information for storage in the server or according applicant specification "Status information on the HVAC devices which is contained in the unit database is either updated on a regular basis or when requested by a message from the entry device" (column 6, line 66-column 7, line 65; column 9, lines 15-29; 55-67, column 10, lines 1-41; Fig. 6; i.e., the user's configuration through the database 21, and periodic status messages are queued). Furthermore, Applicant argues that the feature enables the user to detect a problem associated with the monitoring of the device as well as to detect any problems with the monitored device itself. However, such limitations are not found in any of the claims.

Regarding claim 12, Applicant argues that Sandelman and Koether fail to disclose means of changing setting on the at lest one HVAC device. However,

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Examiner disagrees that Koether discloses that ([0186]; i.e., ...changing the configuration...).

Regarding claim 13, Applicant argues that Sandelman and Koether fail to disclose more than one database or first database relating to the status of the device and second database that includes a password and a user name associated with the device. However, Examiner disagrees that Koether discloses (Fig. 7A; block 730, status information of the device; Fig. 7A, Block 710, user name and ID).

Regarding claim 19, Applicant argues that that Sandelman and Koether fail to disclose ...detect a time out event ... However, Examiner disagrees that Sandelman discloses (Fig. 7A and 7B; column 7, lines 11-24; i.e., ...if the air flow detected by sensor 609 before timer 1 times out...).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (571) 272-3737. The examiner can normally be reached on M-F from 7:00 -4:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (571) 272-3749. Additionally, the fax numbers for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta



April 15, 2005